

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ICU MEDICAL, INC.,	)	
	)	
Plaintiff,	)	Case No. 07-00468-JJF
	)	
v.	)	
	)	
RYMED TECHNOLOGIES, INC.,	)	
Defendant.	)	

**DECLARATION OF DANA WILLIAM RYAN IN SUPPORT OF DEFENDANT  
RYMED TECHNOLOGIES, INC.'S MOTION FOR REARGUMENT OF  
MEMORANDUM ORDER DENYING MOTION TO TRANSFER VENUE**

I, Dana William Ryan, declare that

1. The facts set forth below in this declaration are based upon my personal knowledge, and if called as a witness, I could and would testify competently to those facts.
2. I am currently a Director and Chairman of the Board of Directors of RyMed Technologies, Inc. ("RyMed").
3. On January 31, 2008, I had a conversation with Brent Nibarger, President of Fluidnet Corporation. Fluidnet, with an office in Southern California where Mr. Nibarger works, is developing new I.V. pump technology and is currently analyzing I.V. connectors made by both RyMed and ICU Medical, Inc. ("ICU") for use with Fluidnet's pumps. During our conversation, Mr. Nibarger stated that the following statements about RyMed and its products were made to him earlier this week in a conversation with two of ICU upper management personnel, Alison Burcar, ICU's Vice President of Marketing, and Greg Pratt, ICU's Vice President of Sales:

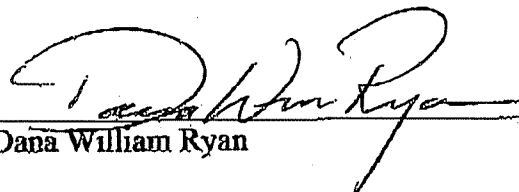
- a. RyMed's InVision-Plus® Neutral® I.V. Connector Septum component has serious coring issues during routine I.V. therapy, whereby green septum fragments can be seen in the male-luer I.V. set connector fitting and make their way into the patient's bloodstream;
- b. RyMed's InVision-Plus® Neutral® I.V. Connector System was "recalled" from Duke University and Florida Memorial Health Systems;
- c. RyMed will be shut down by the FDA soon; and
- d. ICU had RyMed so mired in expensive patent litigation that RyMed can't see the daylight.

4. Ms. Burcar and Mr. Pratt's allegations regarding RyMed's products are false. Nor is there any factual basis for their allegation that RyMed would be shut down by the FDA.

5. Mr. Nibarger resides in Malibu, California, and he indicated that he is unwilling to travel to Delaware to testify in this action.

Executed in Williamson County, Franklin, Tennessee on February 1, 2008.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

  
Dana William Ryan

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that, on February 6, 2008, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Richard L. Horwitz, Esquire  
Kenneth L. Dorsney, Esquire  
Potter, Anderson & Corroon, LLP  
1313 N. Market Street, 6<sup>th</sup> Floor  
Wilmington, Delaware 19899

The undersigned counsel further certifies that, on February 6, 2008, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

James Pooley, Esquire  
Marc Peters, Esquire  
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/s/ Richard D. Kirk (rk0922)  
Richard D. Kirk